IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 21903 of 2004

Between:

G.Chitti Babu Rao S/o.Subba Rao, Conductor, A.P.S.R.T.C.,
(Removed from service) O/o.Manager, Mushirabad Depot
Mushirabad, Hyderabad.

.... PETITIONER

AND

1 The Depot Manager, APSRTC, Mushirabad Depot
Musheerabad, Hyderabad.
2 The Divisional Manager, APSRTC, Charminar Division

Koti Ts., Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent herein in issuing the impugned proceedings No.02/95 (20)/2003 Msrd.Dt.1.6.2004, wherein the petitioner was removed from service by imposing extreme major punishment disproportionately the same action as illegal arbitrary and contrary to the law and consequently this Hon'ble Court may be pleased to set aside the impugned order Dt.1.6.2004 with a direction to reinstate the petitioner into service.

Counsel for the Petitioner: MR.M.R.TAGORE

Counsel for the Respondent Nos.1&2: MR.V.T.M.PRASAD

SC for APSRTC

The Court at the admission stage made the following:

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ORDER: -

The petitioner was employed as a Conductor in the A.P.S.R.T.C. He was removed from service through orders, dated 28.11.2003. The said order was set aside by this Court in W.P.No.5234 of 2004, on the ground that the explanation submitted by the petitioner was not considered. The first respondent was directed to consider the matter afresh. Thereafter, the first respondent passed an order, dated 23.02.2004, removing the petitioner from service. The same is challenged in this writ petition.

2. Heard learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. The order of removal from service, passed on earlier occasion, was set aside by this Court on the ground that the explanation submitted by the petitioner was not considered. The first respondent passed a fresh order taking into account the explanation submitted by the petitioner. This Court cannot undertake adjudication of the same at the present stage, for the simple reason, that the petitioner has already availed the remedy of appeal, provided for under the relevant regulations.

4. The writ petition is therefore disposed of directing the appellate authority to pass appropriate orders in the appeal preferred by the petitioner, within two months from the date of receipt of this order. There shall be no order as to costs.

Sd/-

ASSISTANT REGISTRAR

Dated: 30th November, 2004

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To

1 The Depot Manager APSRTC, Mushirabad Depot
Musheerabad, Hyderabad.
2 The Divisional Manager APSRTC Charminar Division

Koti Ts., Hyderabad.

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